

AMENDED IN ASSEMBLY MAY 23, 2003

AMENDED IN ASSEMBLY APRIL 29, 2003

AMENDED IN ASSEMBLY APRIL 2, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1504

Introduced by Assembly Member Spitzer

(Coauthors: Assembly Members Bates, Bogh, Bermudez, Cox, Daucher, Dutton, Harman, Haynes, Shirley Horton, Maddox, Maldonado, Maze, McCarthy, Pacheco, and Runner)

(Coauthors: Senators Johnson and Oller)

February 21, 2003

An act to amend Section 1603 of the Penal Code, relating to release of committed persons.

LEGISLATIVE COUNSEL'S DIGEST

AB 1504, as amended, Spitzer. Release of committed persons.

Existing law provides that in any case in which the victim or next of kin of the victim of an offense for which the person was committed to a state hospital or other treatment facility has filed a request for notice with the director of the state hospital or other treatment facility, he or she shall be notified by the director at the inception of any program in which the committed person would be allowed any type of day release unattended by the staff of the facility. If he or she has filed a request for notification with the court, he or she shall receive actual notice from the court before the committed person is placed on outpatient status. Existing law also requires that the director of a state hospital notify

certain persons upon the release of a person who has been committed to a state hospital.

This bill would require the ~~Forensic Conditional Release Program within the State Department of Mental Health to notify the victim or next of kin of the victim, if he or she has filed a request for notification, of the date of the hearing at which the committing court may approve a plan for the defendant's supervision and treatment in the community and his or her pending release before the committed person is placed on outpatient status court, prior to the hearing and the physical release of the committed person, to review any requests for notification made by the victim or next of kin of the victim and ensure that the notification is made in a timely manner.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1603 of the Penal Code is amended to
2 read:

3 1603. (a) Any person subject to subdivision (a) of Section
4 1601 may be placed on outpatient status if all of the following
5 conditions are satisfied:

6 (1) The director of the state hospital or other treatment facility
7 to which the person has been committed advises the committing
8 court that the defendant would no longer be a danger to the health
9 and safety of others, including himself or herself, while under
10 supervision and treatment in the community, and will benefit from
11 that status.

12 (2) The community program director advises the court that the
13 defendant will benefit from that status, and identifies an
14 appropriate program of supervision and treatment.

15 (3) After actual notice ~~of the hearing date and pending release~~
16 ~~is provided by the court~~ to the prosecutor and defense counsel by
17 the court, and to the victim or next of kin of the victim of the
18 offense for which the person was committed ~~by the Forensic~~
19 ~~Conditional Release Program within the State Department of~~
20 ~~Mental Health~~, where a request for the notice has been filed with
21 the court, and after a hearing in court, the court specifically
22 approves the recommendation and plan for outpatient status
23 pursuant to Section 1604. *Prior the hearing in court and prior to*

1 *the physical release by the court of any person subject to*
2 *subdivision (a) of Section 1601, the court shall review any requests*
3 *for notification made by the victim or next of kin of the victim of*
4 *the offense for which the person was committed and ensure that the*
5 *requested notification is made in a timely manner. The burden*
6 *shall be on the victim or next of kin to the victim to keep the court*
7 *apprised of the party's current mailing address.*

8 In any case in which the victim or next of kin to the victim has
9 filed a request for notice with the director of the state hospital or
10 other treatment facility, he or she shall be notified by the director
11 at the inception of any program in which the committed person
12 would be allowed any type of day release unattended by the staff
13 of the facility.

14 (b) The community program director shall prepare and submit
15 the evaluation and the treatment plan specified in paragraph (2) of
16 subdivision (a) to the court within 30 calendar days after
17 notification by the court to do so.

18 (c) Any evaluations and recommendations pursuant to
19 paragraphs (1) and (2) of subdivision (a) shall include review and
20 consideration of complete, available information regarding the
21 circumstances of the criminal offense and the person's prior
22 criminal history.

